



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 11, 1997

Mr. S. Anthony Safi  
Mounce, Green, Myers, Safi & Galatzan  
P.O. Drawer 1977  
El Paso, Texas 79950-1977

OR97-0326

Dear Mr. Safi:

On behalf of the El Paso Independent School District (the "district"), you have asked us to reconsider our decision in Open Records Letter No. 96-1948 (1996). Your request for reconsideration was assigned ID# 103684.

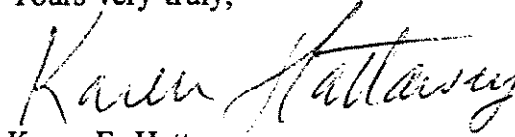
The district received a request for "a videotape of a Texas Education Agency official's report to El Paso school district officials." You claimed that the videotape was excepted from required public disclosure pursuant to section 552.111 of the Government Code. Based on our understanding that a transcript of the videotape had already been released to the public, we concluded in Open Records Letter No. 96-1948 (1996) that the district had waived its section 552.111 protection for the videotape and, therefore, was required to release the videotape.

You now inform us that the written report released by the district is not a transcript of the videotape. Having reviewed both the written report and the videotape, we are satisfied that they contain different information. Section 552.111 excepts from disclosure internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. Open Records Decision No. 615 (1993). The videotape documents a Texas Education Agency official's advice, opinion, and recommendation as to the district's education methods. Accordingly, we conclude that the district may withhold the videotape from disclosure under section 552.111 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the fact

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Karen Hattaway". The signature is written in a cursive style with a large, stylized "K" and "H".

Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref.: ID# 103684

Enclosures: Submitted videotape and written report

cc.: Mr. Sonny Lopez  
Reporter  
El Paso Herald Post  
El Paso, Texas 79999  
(w/o enclosures)